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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,855	12/13/2001	John F. Bisceglia	AUS920011004US1	7506

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EXAMINER
STEELMAN, MARY J

ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/015,855	BISCEGLIA, JOHN F.
	Examiner	Art Unit	
	Mary J. Steelman	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 September 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-47</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-47</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to Appeal Brief received 6 September 2005.

The prior Final Office Action is hereby withdrawn. Claims 1-47 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-47 are rejected under 35 U.S.C. 102(b) as being anticipated by US

Patent 6,405,364 B1 to Bowman-Amuah (hereinafter Bowman).

Per claims 1, 15, 26, and 37:

-receiving a first request comprising a description of said development environment and

said software application to be developed, wherein said development environment

comprises hardware components and software components;

Bowman disclosed (col. 2, lines 30-43), "specifying (**receiving a first request**) the

requirements of the system to be built (**description of said development environment**)

and the implementation strategy to fulfill the requirements may be carried out using tools

(**software components**) such as data modeling tools, process modeling tools, event

modeling tools, performance modeling tools, object modeling tools...application logic

design tools...communication design...improving the performance and maintenance of

the system may be carried out using tools such as interactive navigation tools, graphical

representation tools, extraction tools, repository tools, restructuring tools, and data name

rationalization tools." FIG. 1 (col. 3, lines 39-60) illustrates a hardware implementation

(**hardware components**) of the present invention. Note: central processing unit-110,

RAM-114, ROM-116, I/O adapter- 118, bus-112 are given as examples of 'hardware

components.'

-reviewing said first request in accordance with control information for managing said

first request;

Bowman: As an example, see col. 13, line 60, "The Project Management team is

responsible for producing a deliverable or set of deliverables...Planning (reviewing said

first request) and control of delivery (control information for managing)...", col. 26, lines

6-8, "Project Management processes follow a cycle of planning the project's execution

(reviewing first request), organizing its resources, and controlling it work.

-assigning said first request to one or more developers;

Bowman: As an example, col. 21, line 65, regarding project documentation, "Clearly

assign ownership for the contents of each folder", col. 49, lines 6-10, "Workflow

Management tools address this...providing the ability to define, manage, and execute

automated business processes through an electronic representation of the process both in

terms of what has to be done, and by whom (assignments to one or more developers)."

-processing said first request;

Bowman: Col. 25, lines 31-55, Program Management includes various task packages.

First the program is planned, then "Mobilize Program" is implemented, including

"Obtain and Deploy Resources (process first request)."

-establishing said development environment upon said processing said first request;

Bowman disclosed (col. 2, lines 18-21), "…building systems in a development

architecture framework. Requirements are specified for both a system to be built and an

implementation strategy to fulfill the requirements (establishing development

environment)." Col. 14, line 40 – col. 15, line 10 disclose details related to the

Environment Management. Col. 25, line 53 discloses "implement Initial Teamwork

Environment."

-monitoring said development environment asynchronously for violations of conditions

established by said control information.

Bowman: Col. 2, lines 49-53, "…the system may be tested using tools such as test data

management tools, test data manipulation tools, test planning tools, test execution tools,

performance management tools, emulation tools, test result comparison tools, and test

coverage measurement tools (monitoring development environment asynchronously)."

Col. 14, lines 59-67, "Problem Management is concerned with the discrepancies that

result from the testing process and the management of design problems detected during

verification or validation steps throughout the development process (monitoring

asynchronously).

Per claims 2, 16, 27, and 38:

-identifying a violation of a condition;

Bowman: Bowman disclosed tools used for task involving identifying a violation of a condition. As an example, a 'repository validation program' reports detected deviations from standards. Col. 21, lines 8-15 discloses standards **violations** that identify cases where typically project standards have been incomplete, changed poor repository management, or when new objects have been imported.

-notifying a developer of said violated condition.

Bowman: Col. 21, line 4, "report on detected deviations from standards." Bowman does not elaborate on the recipient of the notification. However, it is inherent that the developer is notified, in order to correct the violated condition.

Per claims 3, 17, 28, and 39:

-inserting information of said violation of said condition in a report;

Bowman: Col. 21, lines 22-30, "The Repository Management team performs certain analyses repeatedly. Standard analyses such as impact analyses should be specified in detail…When supporting specific kinds of repository analysis, the Repository Management team can provide custom reports (inserting information of said violation of condition) or ad hoc queries that satisfy particular needs."

-issuing said report to a customer.

Bowman: Col. 35, lines 45-47, "Problem tracking improves communication between developers and business representatives (customer)." Col. 45, lines 57-9, "E-mail is a convenient tool for distributing information (issuing report) to a group of people..."

Per clams 4, 18, 29, and 40:

-inserting information on a status of said development environment in a report;

Bowman: See FIG. 2, #240-Teamware Collaboration tasks. At col. 46, lines 35-37, Bowman disclosed that Teamware processes include **Status** reports. Project events and milestones (status of development environment in a report).

-issuing said report to a customer.

Bowman: Col. 56, lines 27-35, "...provide standard reports for designers and programmers, printed design information for external reviews (report for customers), and ad hoc requests..."

Per claims 5, 19, 30, and 41:

-control information comprises one or more of the following: a statement of work, a profile of a server implemented in said development environment, a profile of a network component implemented in said development environment, and a profile of said development environment.

Bowman: Col. 11, lines 6-45, "When a new development environment is put in place...

Business Integration Methodology provides valuable information on organizational issues…project organization guidelines…the following should be prepared: A list of responsibilities… Responsibility, Accountability, and Authority profile for each role in the Development team (profile of development environment)…" Also, Bowman disclosed Service Level Agreements (statement of work) at col. 30, line 48, "to plan and organize (control information) the development work appropriately"

Per claims 6, 19, 20, 31, and 42:

-said statement of work comprises standards for hardware components and software components in said target environment, wherein said statement of work comprises contract conditions.

Bowman disclosed (col. 30, line 48- col. 31, line 3), "In order to plan and organize the development work appropriately, a Service Level Agreement (SLA) must be in place between the Service Management group (typically part of the Environment Management team) and the developers…Specification of service levels should be precise and the service must be measurable…" Col. 31, lines 4-18, "…hardware service is typically provided by the hardware vendor. To provide the agreed level of service to the developers, the Environment Management team must ensure that external vendors provide their services as required. This generally means establishing a contract (contracts involving **standards for hardware components**)…" Col. 36, line 41, "Tool support may help enforce standards." Bowman disclosed a SLA at col. 44, lines 10-12, The operational readiness test ensures that the application and architecture (**software and hardware**) can be installed and operated in order to meet the SLA.

Per claims 7, 21, 32, and 43:

-said server profile comprises a description of said server implemented in said

development environment.

Bowman: Col. 19, line 14-col. 22, line 28 discloses Repository Management tasks

(server implemented in development environment). Included are activities such as (col.

19. lines 15-28) "monitoring and controlling update activities...receiving and validating

data element change requests...creating and modifying data elements...enforcing project

standards...validating the contents...ensuring accuracy...importing and

exporting...maintenance of the information model...(**description of server**

implemented in development environment)"

Per claims 8, 22, 33, and 44;

-said network component profile comprises a description of said network component

implemented in said development environment.

Bowman: See FIG. 1, #135 Network and FIG. 4, #402 / Network Support. Bowen

disclosed (col. 2, lines 17-21) "A system, method and article of manufacture are provided

for building system in a development architecture framework. Requirements are

specified for both a system to be built and an implementation strategy to fulfill the

requirements. The System is built according to the implementation strategy." The

network component is part of the Environment Management Team (col. 14, line 40)

responsibility. Col. 16, line24, "The core activity-systems building, depends strongly on

support from the surrounding management processes..."

Per claims 9, 23, 34, and 45:

-said profile of said development environment comprises a description of said hardware

components and said software components of said development environment, wherein

said profile of said development environment comprises a description of said software

application to be developed.

Bowman: See FIG. 1 regarding the hardware components of the development

environment. Col. 72, lines 5-26, "System building tools comprise the core of the

development architecture and are used to design, build, and test the system... Analysis

tools are used to specify the requirements for the system being developed (software

application to be developed). Design tools are used to specify 'how' a system will

implement these system requirements. The standard client/server model comprises

application logic, presentation, and communication components, which together support

the business processes. **For a client/server system** (software application to be

developed), **each of these components must be individually defined.**" (emphasis

added)

Per claim 10:

-said processing said first request comprises updating a profile of a server implemented in

said development environment, wherein said server profile comprises a description of

said server implemented in said development environment.

Bowman: FIG. 4 and col. 14, lines 40-58, "...development environment requires system

operations daily, and developers require ongoing support in order to use the environment

effectively...To ensure that this area receives the necessary attention, an Environment Management team 400 should be assigned these tasks. FIG. 4 is an illustration showing the Environmental Management Team responsibilities." See tasks in FIG. 4 as related to an updated profile of a server implemented in a development environment. "Technical standards support (description of server implemented in development environment), design review, general technical support, operations architecture support, etc."

Per claim 11:

-said processing said first request comprises updating a profile of a network component implemented in said development environment, wherein said network component profile comprises a description of said network component implemented in said development environment.

Bowman: FIG. 4 and col. 14, lines 40-58, "...development environment requires system operations daily, and developers require ongoing support in order to use the environment effectively...To ensure that this area receives the necessary attention, an Environment Management team 400 should be assigned these tasks. FIG. 4 is an illustration showing the Environmental Management Team responsibilities." See tasks in FIG. 4 as related to an updated profile of a server implemented in a development environment. "Technical standards support (description of network component implemented), design review, general technical support, operations architecture support, etc."

Per claim 12:

-said processing said first request comprises updating profile of said development

environment, wherein said profile of said development environment comprises a

description of said hardware components and said software components of said

development environment, wherein said profile of said development environment

comprises a description of said software application to be developed.

Bowman: Col. 11, lines 40-42, "...teams support the efforts of the System Building

team, which is charged with the analysis, design, build and test of the system to be

developed." Col. 16, lines 25-38, "The core activity-systems building, depends strongly

on support from the surrounding management processes, which all affect each

other:...Program and Project Management must manage all the management processes in

addition to managing the systems building process", col. 16, line 51-col. 17, line 20, "For

a given project, each of the processes must be defined (description of software

application to be developed)...This additional specification consists of a set of

procedures and standards that specify how to perform the work and what to produce at

each step." See response to claims 10 & 11 regarding description of hardware

components. Col. 11, lines 1-5, "When a new development environment is put in place,

the developers need to learn not only how each individual tool works...but also how the

tools work together to support the organization as it performs well defined processes

(software components of said development environment)."

Per claims 13, 24, 35, and 46:

-receiving a second request, wherein said second request comprises a request to

implement a change in said development environment.

Bowman: Col. 13, line 65-col. 14, line 7, "The Configuration Management team is responsible for defining the approach the program takes to deal with scope, change control, version control, and migration control, and the putting in place the policies, processes and procedures required to implement this approach. In other words, the team is responsible for maintaining the integrity of software and critical documents as they evolve..." Bowman disclosed processes to handle receiving requests to implement a change in the development environment.

Per claims 14, 25, 36, and 47:

-receiving a second request, wherein said second request comprises a request to correct a problem detected in said development environment.

Bowman: Col. 14, lines 64-67, "The Problem Management team is responsible for defining the problem tracking and solution process, and for providing tools and procedures to support the solution process (tools to correct a problem detected)."

Response to Arguments

4.   Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new grounds of rejection.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
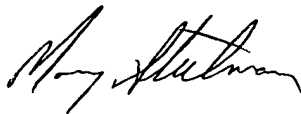
Note: "Software Processes are Software Too", Leon Osterweil, 1987 ACM . Paper

discusses process descriptions as a specification of how the job is to be done as related to

software development.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mary Steelman, whose telephone number is (571) 272-

3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM

to 5:30 PM If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone

number for the organization where this application or proceeding is assigned: 571-273-

8300.

Any inquiry of a general nature or relating to the status of this application should

be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

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more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

11/23/2005